IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.4322 OF 1998

Barter Leasing & Finance Ltd. ..Plaintiffs.

Vs.

Umesh B. Duggai & Anr. ..Defendants.

Mr.M.A.Shah i/b. Ms.Ranjana Parikh for the Plaintiffs.

Defendant present in person.

Mr.A.R.Bapat for auction purchaser.

Mr.Prabhu Shah for the Applicant.

CORAM : S.J. VAZIFDAR, J.
DATED : 16TH JANUARY, 2006

P.C. :

The Defendants have appeared in person and seek 10 days time to make payment of the decrettal amount.

2. In the circumstances, the following order is passed :

i) In the event of the Defendants paying the entire decretal amount and the costs/chargese/expenses in connection with the auction sales thus far, the auction

sale shall not stand confirmed. In that event, the office is directed to forthwith return to the auction purchaser all the amounts paid thus far including stamp duty of Rs.55,250/-.

ii) In the event of the Defendants failing to pay the aforesaid amount on or before 20.2.2006, the Sheriff’s Report is made absolute in terms of prayers (a) to (f) without further orders.

iii) This order is without prejudice to the rights and contentions of the Applicant.

iv) This order shall not affect any other orders that may have been passed in favour of the Applicant in any other proceedings.